

1 Scott A. McMillan, CBN 212506
Michelle D. Volk, SBN 217151
2 Sean E. Smith, SBN 288973
The McMillan Law Firm, APC
3 4670 Nebo Drive, Suite 200
La Mesa, CA 91941-5230
4 (619) 464-1500 x 14

5 Attorneys for Plaintiff,
Lycurgan, Inc.
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 LYCURGAN, INC., a California
11 corporation, d/b/a Ares Armor,

12 Plaintiff,

13 vs.

14 TODD JONES, in his official
15 capacity as Director of the
Bureau of Alcohol, Tobacco, Firearms
and Explosives.

16 Defendant.
17

CASE NO. 14cv1679 JAH JLB

**APPELLANT'S STATEMENT
OF ISSUES ON APPEAL**

18 Pursuant to Federal Rule of Appellate Procedure 10(b)(3)(A), Appellant Lycurgan,
19 Inc. submits the following Statement of Issues on Appeal:
20

21 1. Did the District Court err when it granted Defendants' Motion to
22 Dismiss under FRCP Rule 12(b)(1) and dismissed Plaintiff's claim?
23

24 2. Did the District Court err when it ruled that it did not have subject
25 matter jurisdiction to hear the case under the Civil Asset Forfeiture Reform
26 Act ("CAFRA") 18 USC § 983?
27
28

1 3. Did the District Court err when it found that CAFRA does not
2 provide the jurisdictional basis to require Defendant ATF to return the
3 seized property to Plaintiff?

4
5 4. Did the District Court err when it denied Plaintiff's Order for
6 Expedited Rule 34 Inspection, denying Plaintiff the ability to conduct
7 discovery and present evidence to the Court on the issue of jurisdiction
8 under CAFRA?

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10 5. Did the District Court err when it found that the lower receivers in
11 dispute were held "as evidence of the illegal manufacture of firearms in an
12 ongoing investigation?"

13
14 Respectfully submitted,

15 The McMillan Law Firm, APC

16 /s/ Michelle D. Volk

17 Dated: February 19, 2015

18 _____
19 Michelle D. Volk
20 Attorneys for Plaintiff
21 Lycurgan, Inc. d/b/a Ares Armor
22 Plaintiff
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CERTIFICATE OF SERVICE

I, Michelle D. Volk, am a citizen of the United States, am over the age of eighteen, and not a party to the above entitled action. My business address is 4670 Nebo Drive, Suite 200, La Mesa, CA 91941-5230. I have caused service of the following documents:

• **APPELLANT’S STATEMENT OF ISSUES ON APPEAL**

By Electronic Court Service, upon:

U S Attorney CV Efile.dkt.civ@usdoj.gov

Daniel Everett Butcher Daniel.Butcher@usdoj.gov, efile.dkt.civ@usdoj.gov,
yvette.macias@usdoj.gov

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date set forth below.

/s/ Michelle D. Volk

Dated: February 19, 2015

Michelle D. Volk
Attorneys for Plaintiff
Lycurgan, Inc.